

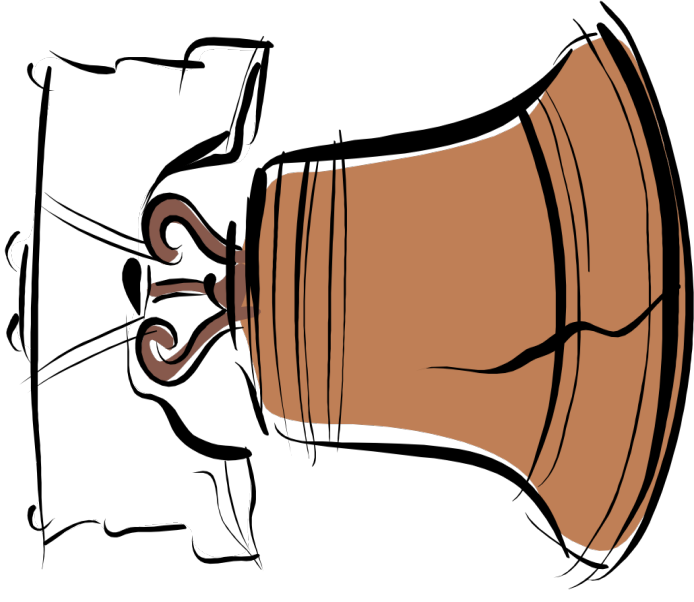
The Bill of Rights



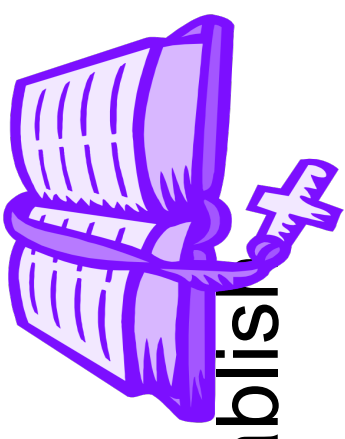
The First 10 Amendments

Amendment 1

- Protects 5 freedoms
- Religion
- Assembly
- Press
- Petition
- Speech



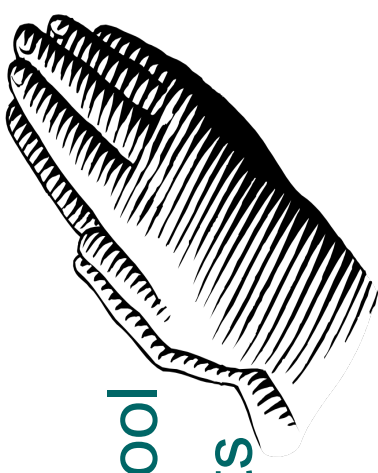
Religion



- 2 Parts – Government cannot establish an official religion & Government cannot interfere with an individual's practice of his/her religion

- **RESTRICTED ACTIVITIES IN PUBLIC SCHOOL:**

- Teaching religion (as doctrine) in school
- Prayers at graduation or before sports events

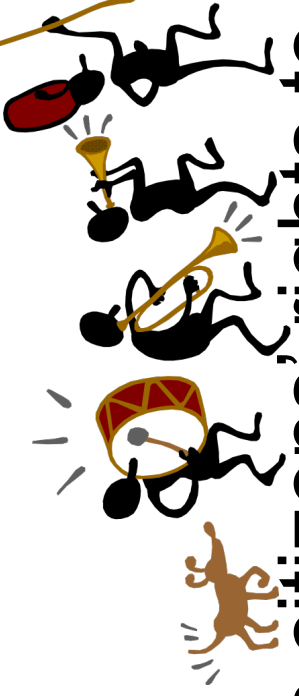


Limits on Freedom of Religion

- Cannot do drugs, practice human sacrifice or otherwise break the law and defend it as part of your religion



Freedom of Assembly



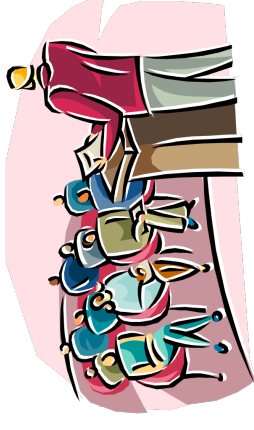
- Protects citizens' rights to gather in groups

- Limits:

- Must be peaceful

- Cannot block a public way

- Government can require a permit but the rules for that have to be the same for all groups



Freedom of the Press

- Right to publish and Right to access or read materials

Limits

- Libel – printed lies with intent to harm

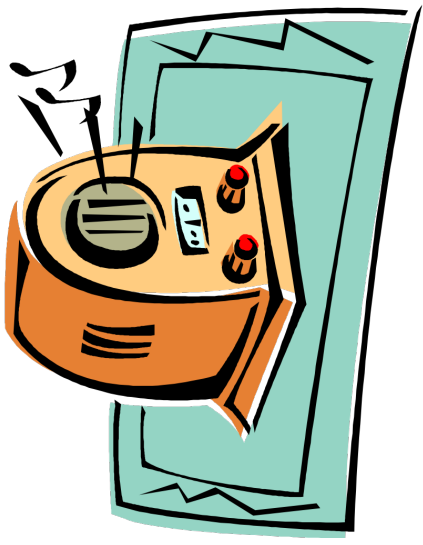
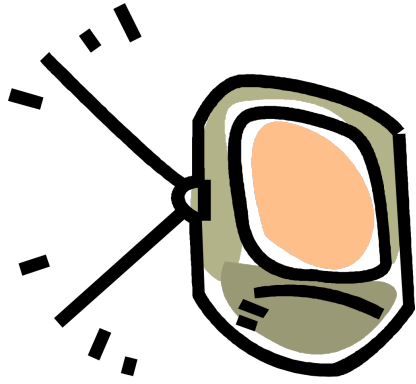
Tabloids:

- Build in budget the cost of law suits
- Stories from outside the U.S.
- Find people who don't care what is said as long as they get in the news



Protected Today (But Not Invented When Bill of Rights Was Written)

- Radio
- Television
- Internet



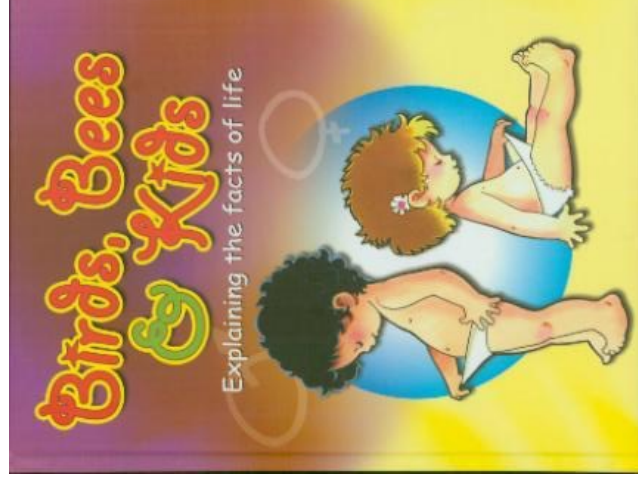
Censorship & Pornography

- Art/Literature or Smut?

- Old Test

Would the average adult in the community find it pornographic? Is it
leading to the corruption of morals?"

Found to be too vague



PARENTAL

ADVISORY

CENSORSHIP

New Test

Does the work as a whole appeal to the prurient interest? PRURIENT INTEREST - A morbid, degrading and unhealthy interest in sex, as distinguished from a mere candid interest in sex.

The work depicts or describes sexual conduct in a patently offensive way

The work as a whole lacks serious literary, artistic, political, or scientific value



Freedom To Petition

- Can be verbal or written
- Government must listen but does not have to agree or make changes
- Government officials have to have public addresses, phone numbers and usually email for citizens to use to contact them.



Freedom of Speech

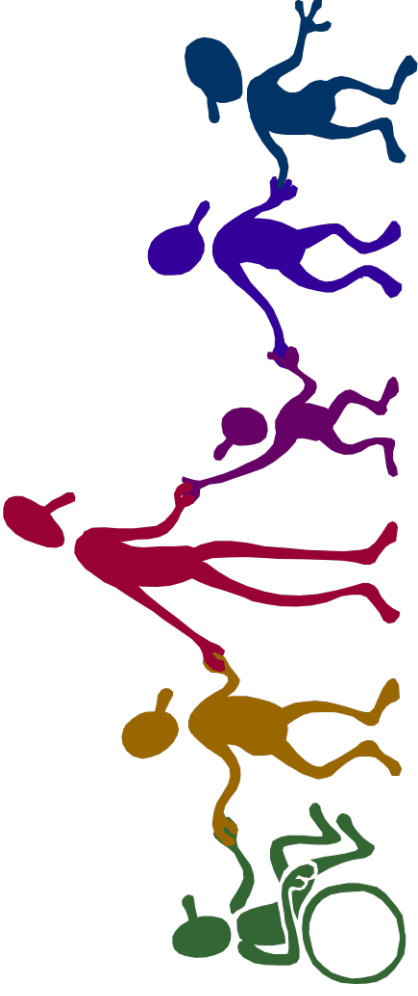


- Protects more than speech – includes gestures, clothing and hair style, art, music, bumper stickers



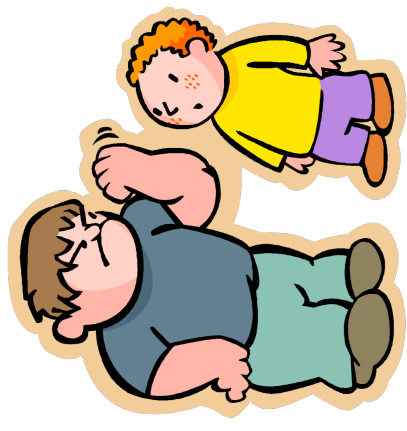
Limitations

- Hate Speech – cannot target a group based race, color, religion, ancestry, national origin, gender, physical or mental disability or sexual orientation



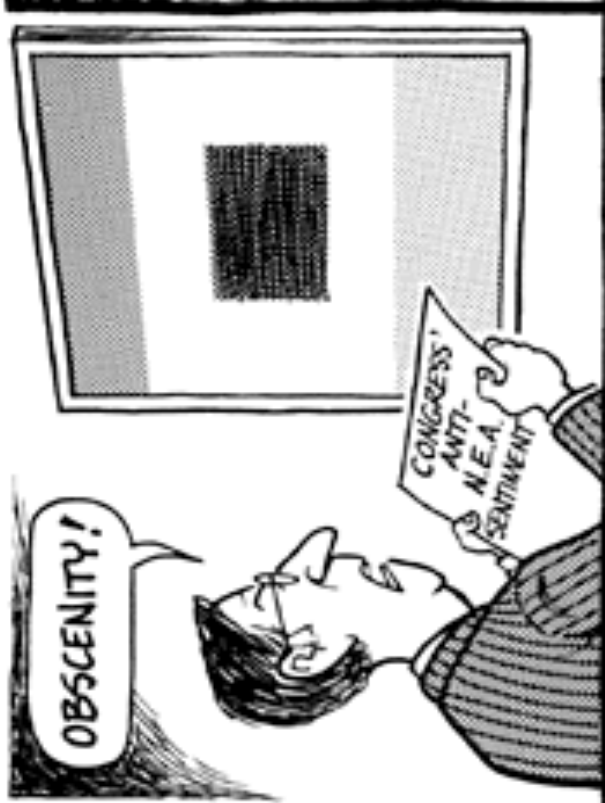
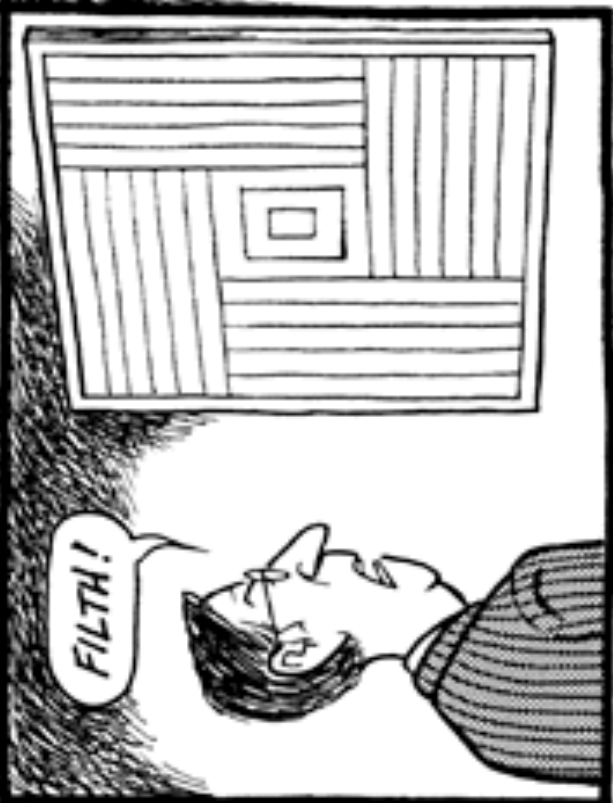
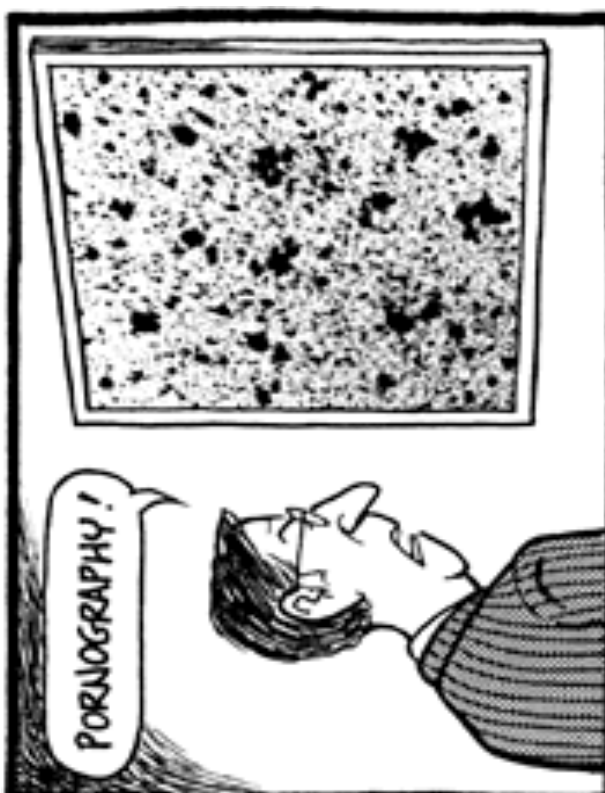
Clear and Present Danger

- Yelling “fire” in a crowded theater
- Cannot incite a riot
- Cannot threaten to harm a person or a person’s property



Obscenity

- Commercial speech – public radio and television
- Nudity – nudity in and of itself cannot be declared obscene simply to protect minors. Avert the eyes test: can the person who is offended look the other way



Fighting Words

- Epithet or slur
- Face to face communication
- Incitement to immediate breach of peace (e.g., fisticuffs)



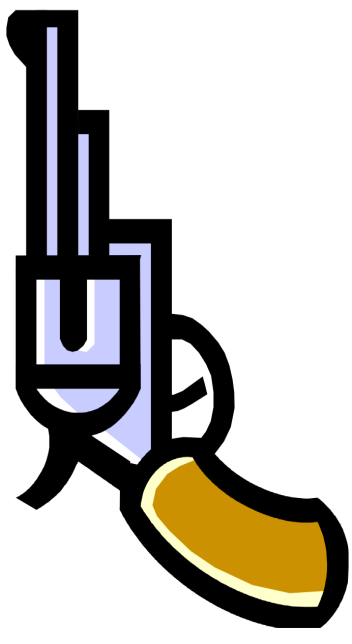
Slander

- Spoken lies with intent to harm



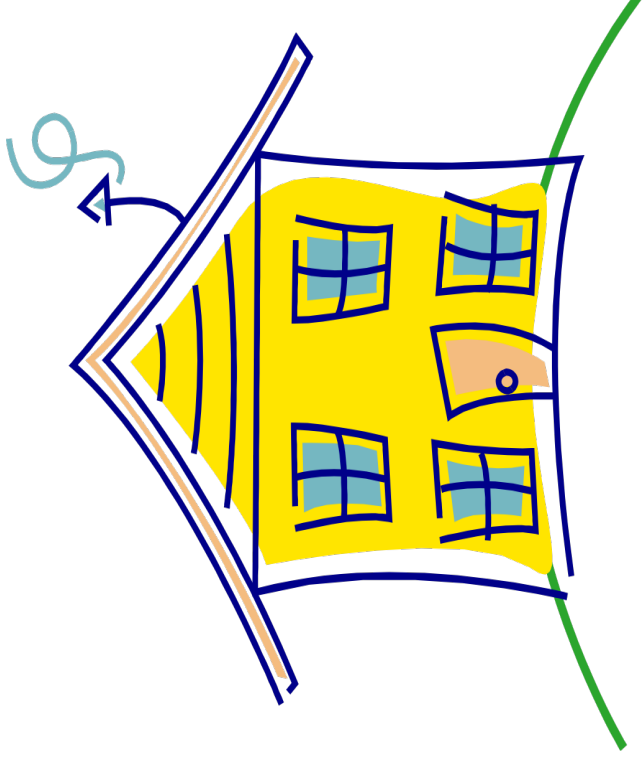
Second Amendment

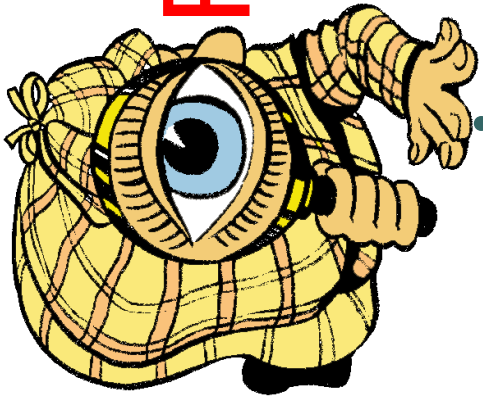
- Right to bear arms & a well-regulated militia
- Government can place limits on types of weapons a citizen can own and can require a waiting period



Third Amendment

- The government cannot force you to quarter soldiers during peace time.





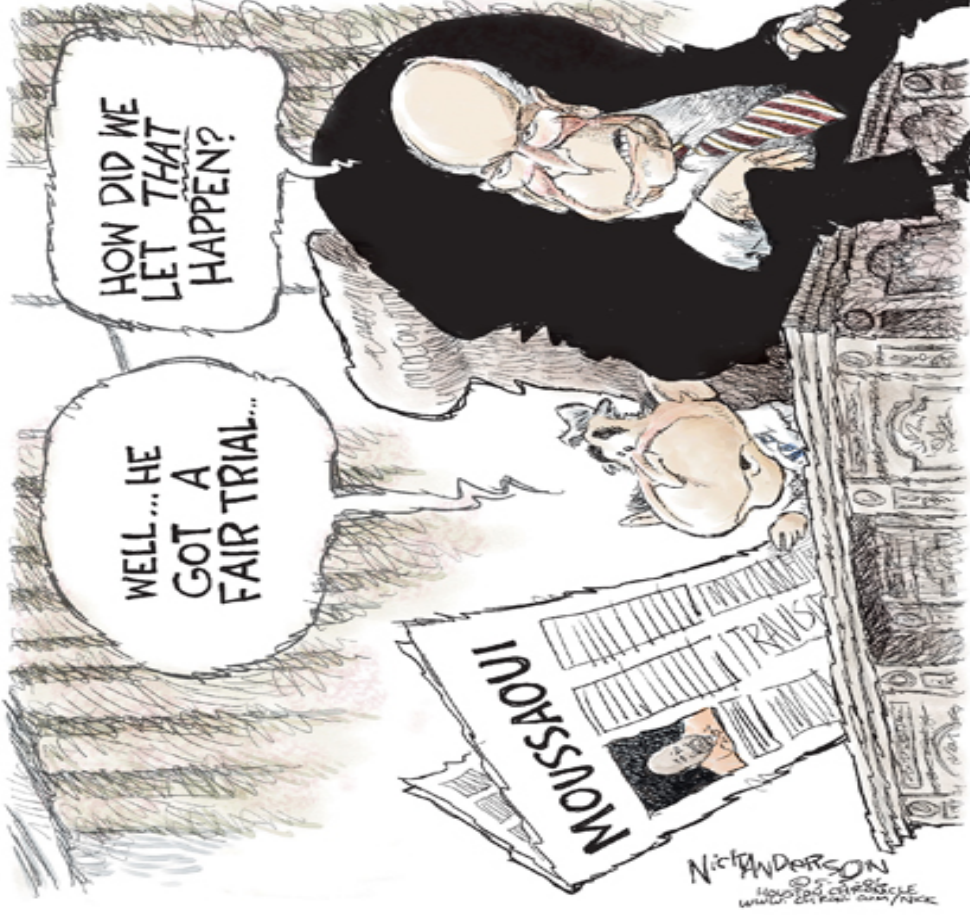
Fourth Amendment

- No search or seizure without a warrant
- Exceptions: fear of immediate danger, if they see, hear, smell something illegal
- School lockers & parking lot – public property and 4th Amendment protections do not apply

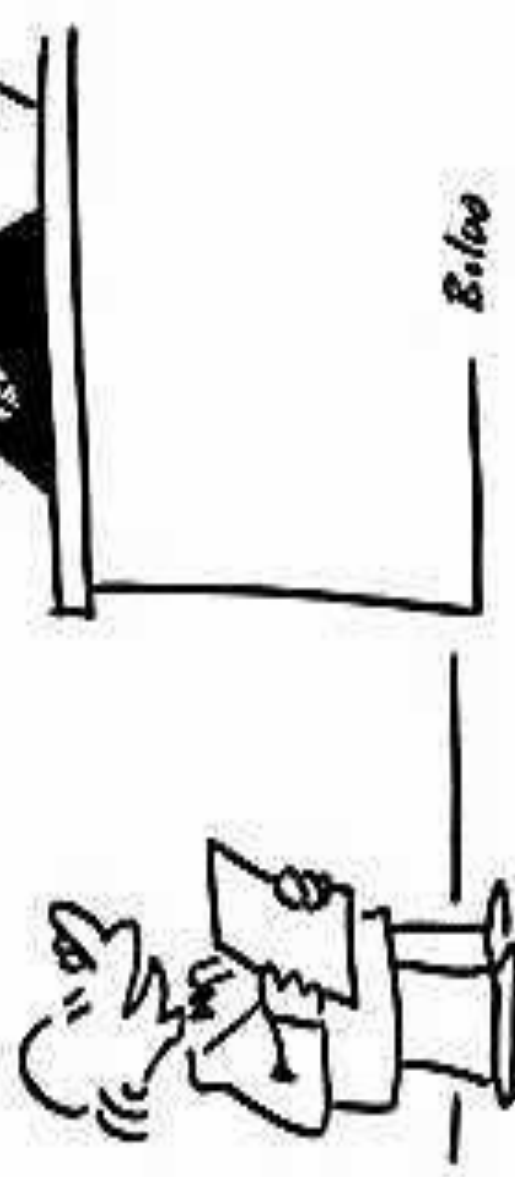


Fifth Amendment

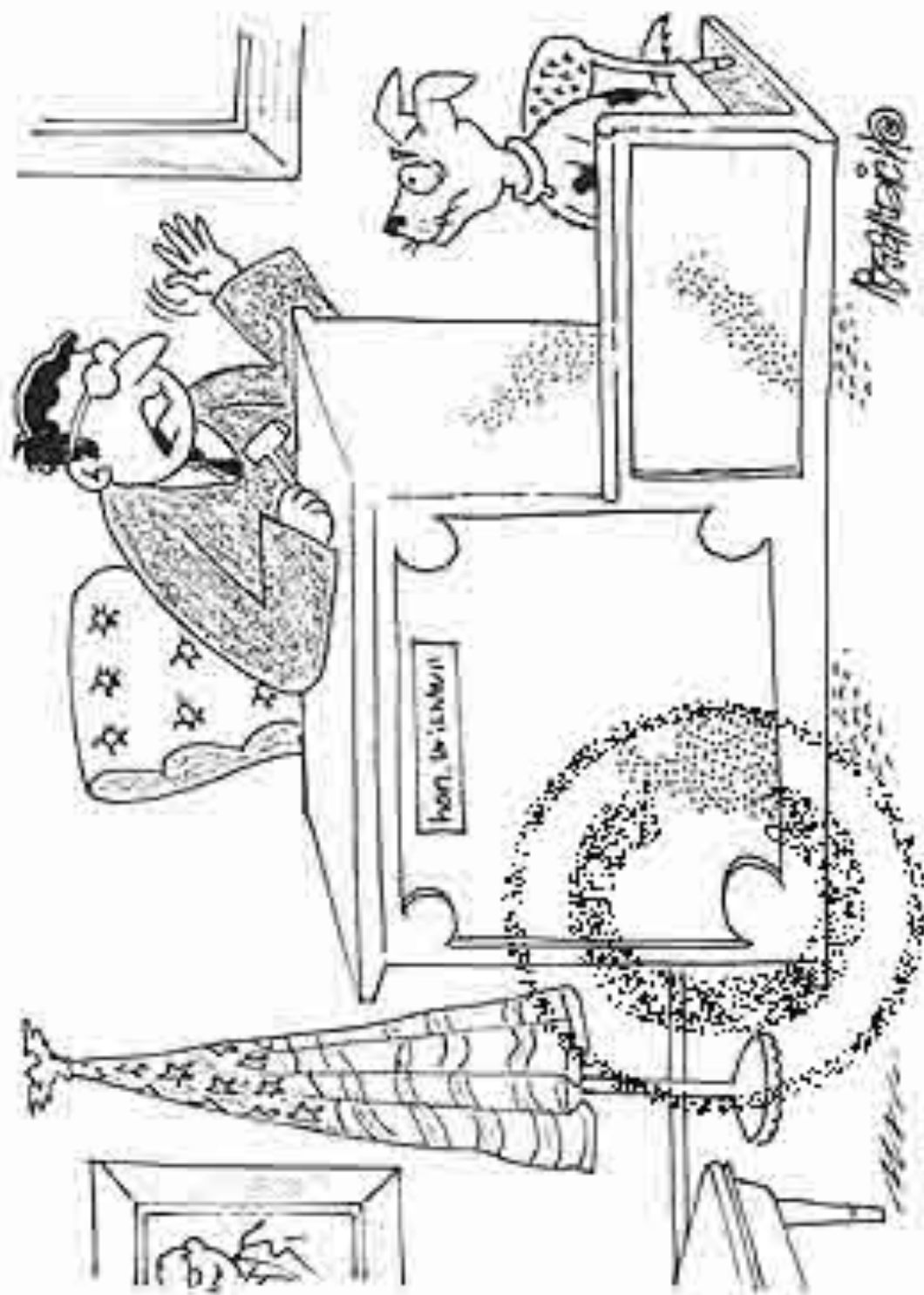
- Due process – follow proper procedures
- No double jeopardy – cannot be tried for the same crime twice
- No self-incrimination – cannot be forced to testify against yourself or your spouse
- Eminent domain – right of the government to take private property for public use



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"My client would like to plead the Fifth Amendment, Your Honor, and any other Amendment that you feel might be appropriate."



"ALL RIGHT SPOTTIE, BARK ONCE FOR 'YES', TWICE FOR 'NO' AND FIVE TIMES IF YOU WISH TO TAKE THE 5TH."

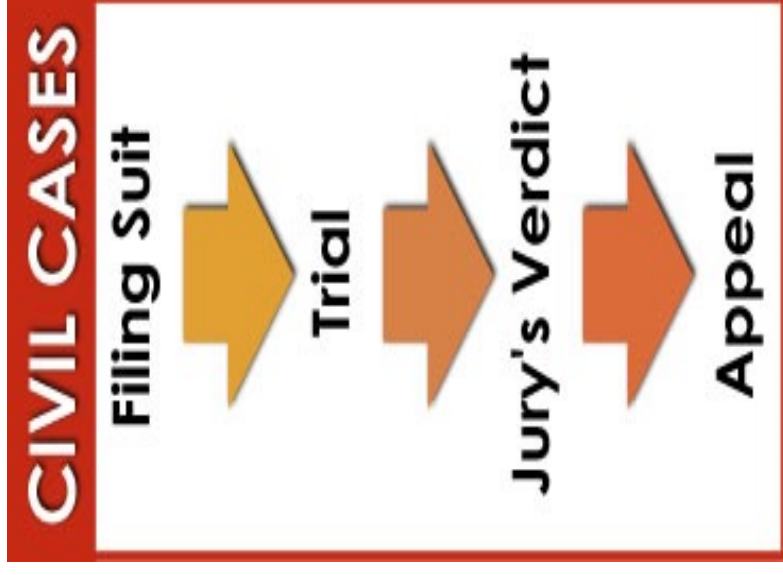
Sixth Amendment

- Speedy, public trial by jury
- Right to call witnesses for you and to question witnesses against you
- Right to a lawyer



Seventh Amendment

- Right to a jury trial in civil cases over \$20



Eighth Amendment

- No excessive bail or fines
- No cruel or unusual punishment





9th Amendment

- People have more rights than those listed in the Constitution
- For Example: Right to Privacy

10th Amendment

- Rights reserved to the states
 - As long as the Constitution doesn't forbid states a right, they retain that right